

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
05/01/08
5:30PM

ATTENDANCE: Randy Mackie, Chris Carter, Nick Kroes(Late),
Kirk Kolberg, Greg Borgman, Ed Simmons

ABSENT: Jon Rolewicz

EXCUSED:

STAFF: Mark Kincaid, Jim Hoppus, Carmen Smith, Don LaBrenz, Ken
Murar, Henry Faltinowski, Scott Vanderwier

GUESTS: Marilyn Brewster(254 Amity), Fred Assink(724 Oak), Lowell
Kirksey/Nick Kacher(1329 4th Garage),
William Reed(312 Cross Garage), Emma Blain(935 Getty)

Meeting minutes: A motion was made by Randy Mackie and seconded by Chris Carter
to approve the March 2008 minutes.

A roll call vote was taken:

AYES:
Greg Borgman
Randy Mackie

NAYES:

EXCUSED:

ABSENT: ABSTENTION:

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons
Kirk Kolberg

Motion carried.

DANGEROUS BUILDING REVIEW CASES

EN-070238 – 254 Amity – Marilyn Brewster – 347 Shonat St Apt. #5, Muskegon, MI 49442

Ms Marilyn Brewster was present to represent case.

Ms Brewster stated the 2006 property taxes were paid and payment of the 2007 taxes to be paid by the end of May 2008. She said all other financial statements that the Neighborhood Investment Corp requested are done. She said the problem has been getting insurance on an unoccupied building but all the other requirements have been met. She said all improvements have to be done by a contractor as a package deal. She said the insurance is the major holdup now, she hopes to find out by tomorrow. Chris Carter asked if financing would cover all improvements that's needed to the home. Ms Brewster said the estimate she has gotten is to bring building up to code. She has been clearing the property of debris and rented a dumpster to remove items. Neighborhood Investment will determine if bids are adequate. Mark Kincaid said he realizes we are dealing with other organizations of bureaucracy but if progress is shown the case can be delayed going to City Commission. Mark Kincaid said since Ms Brewster is dealing with things beyond her control it would be much easier to keep case going and will enable Ms Brewster to keep in contact with Inspections Department.

Staff Recommendation: Declare structure dangerous, substandard and a public nuisance.

Motion made by Randy Mackie and supported by Chris Carter to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie

NAYES:

EXCUSED:

ABSENT:

ABSTENTION:

Nick Kroes
Chris Carter
Ed Simmons
Kirk Kolberg

Jon Rolewicz

Motion carried.

EN-070250 – 312 Cross(Garage) – William Reed, 312 Cross, Muskegon, MI 49441

William Reed was present to represent case.

Mr. Reed stated he was still interviewing contractors to get roof replaced and it's going to be a process to get materials, permits and right person to put it together. Greg Borgman stated problem is the case goes back to November of 2007, the case was tabled to give time for permits and complete work. Mr. Reed said he thought he had until May 30th. Greg Borgman asked if the project would be completed at the end of the month. Mr. Reed said no and wanted to request an extension. Nick Kroes ask how much time would be needed to complete repairs. Mr. Reed said he was thinking before fall of the year. Nick Kroes asked if there was any way to boost timeline up. Mark Kincaid said case was tabled so permits could be obtained an work started. Chris Carter asked if the holdup was getting contractor or money. Mr. Reed said money was an issue. Greg Borgman asked if there were any grants, or programs to help with this project. Chris Carter said usually for garages the HBA doesn't give extensions and asked if given to the end of June could some progress be made. Mr. Reed said yes.

A motion was made by Chris Carter to declare the garage dangerous, substandard and a public nuisance with delay until July 2008 before sending to City Commission for concurrence and the motion was seconded by Randy Mackie.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Nick Kroes			Jon Rolewicz	
Chris Carter				
Ed Simmons				
Kirk Kolberg				

Motion carried.

EN-070232- 1329 4th (Garage) – Lowell Kirksey, 1329 4th, Muskegon, MI 49441

Lowell Kirksey present to represent case.

Mr. Kirksey stated he went before HDC and they would like the property to be restored but he had the building official, Don LaBrenz inspect the garage and stated he would be throwing good money after bad. Mr. Kirksey said he would like to try to restore it but is under a financial bind but has talked with a contractor who is willing to help him restore garage. Greg Borgman stated that case was before HBA in October 2007 we

really don't go that long with garages. Ed Simmons asked if timeline had been established. Mr. Kirksey said he was looking to the board to help him with guidance to establish timeline because he wasn't astute as what would be required. He said in talking Inspections that maybe 3 to 6 months no later than November. He said with the financial situation he's faced with, he would depend on friends, contractors to help him with project. Nick Kroes asked about motivation to save garage since pictures show it's in bad shape. Mr. Kirksey said the property was in the family and when he purchased home the garage was in the current condition but was not included in the insurance coverage. Chris Carter asked if estimates on cost. Mr. Kirksey said no. Chris Carter asked if cost comparison had been made with restoring as opposed to demolition and rebuilding. Mr. Kirksey said it would be more expensive to take down because according to Don LaBrenz standards have changed and everything would have replaced including the concrete so he felt doing a restoration would be save him money. Don LaBrenz said standard have changed and footings would be required now. Chris Carter asked if approval would be need from HDC to rebuild. Don LaBrenz answered yes. Mr. Lowell said the other issue is the increase in the amount of traffic and if garage removed would leave his home exposed and would like the chance to restore and is consistent with other structures along that alley. He said if it's necessary to pull permit and start working on it he's willing to do that. Greg Borgman reminded him if permit is pulled work can't stop for any 30 day period. Nick Kroes asked if any estimate on timeline. Mr. Kirksey said he's looking at 4 to 5 months and would provide plan with phases according to his budget. Ed Simmons asked if according to pictures the structure should be saved. Don LaBrenz said any structure can be saved but he wouldn't recommend it. Nick Kroes asked if tabled for 4 months is there any danger of collapse. Don LaBrenz said south wall is pretty unstable and some of the roof rafters are gone. Greg Borgman said it seems a lot of money to put into a garage. Mr. Kirksey if it's deem necessary to take it down he would put a fence up to block that portion of the alley. Mr. Kirksey said he would check with Nelson Neighborhood to see if any programs or funds available. Mr. Kirksey asked about procedure for HDC if he decides to demolish structure.

Staff Recommendation: Declare structure dangerous, substandard and a public nuisance with delay until July 2008 before sending to City Commission.

Motion made by Randy Mackie to accept staff recommendation and seconded by Chris Carter.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Nick Kroes			Jon Rolewicz	
Chris Carter				

Ed Simmons
Kirk Kolberg

Motion carried.

DANGEREROUS BUILDING NEW CASES:

EN-080066 – 640 Catawba – Rance Reynolds ET Al., 612 Ada, Muskegon, MI 49442

Mr. Reynolds, father of the owner was present to represent case.

Mr. Reynolds stated his son was in an accident in November 2007 which delayed work being done on home. He said his son was in the hospital currently with more complications and would like more time to get windows and stuff back in house. Mark Kincaid asked how time would it take to get house repaired. Mr. Reynolds said by July/August all exterior items should be done and he said a new roof was put on a year ago.

Chris Carter made motion to table case until August 2008 HBA meeting with interior inspection to be scheduled, permits pulled and exterior items completed and seconded by Randy Mackie.

A roll call vote was taken:

AYES: NAYES: EXCUSED: ABSENT: ABSTENTION:

Greg Borgman
Randy Mackie

Jon Rolewicz

Nick Kroes
Chris Carter
Ed Simmons
Kirk Kolberg

Motion carried.

EN-080029 – 724 Oak – Land Contract Christoper/Zabulonia Burt and Kirk Duell/Fred Assink, 2719 Strand Rd., Muskegon, MI 49445

Fred Assink was present to represent case.

Mr. Assink said he and friend bought a couple of houses in the City and totally redid one and was in the process of redoing the property in question when they sold it on a Land Contract a couple times last being Christopner & Zabulonia Burt. Mr. Assink

said they didn't have much contact with them and they were late on their payments and then received call from City that the roof was caving in. He said they had insurance on house and was given an estimate of \$60,000 to repair which they feel is not worth it. They have settled with insurance company and have gotten three bids on demolition of house and have now hired a lawyer to find the Burts to have them sign back property to him but Burt's have disappeared. They had a court date of 4/22 to get house back but was moved to 4/29/08 and his wife had a baby that weekend so has not been in touch with lawyer to find out results. Mr. Assink said his concern getting house demolished but was advised not to act until assured owners won't come back into picture. Mark Kincaid said Mr. Assink can pull demolition permit but can't speak on legal issues that may pop up regarding the land contract holder. Mr. Assink asked about cost of demolition, if he would be assessed more fees if he hired someone to demolish. Mr. Assink said the other issue is neighbor wants lot if house is demolished but there is a garage still left on property. Don LaBrenz said the City's concern would be the repair of the garage. Chris Carter advised Mr. Assink to make sure he attends the City Commission. The HBA board and staff discussed options. Mark Kincaid said from Inspections point of view permits have to be issued and demolition can take place any time.

Motion made by Chris Carter to declare structure dangerous, substandard and a public nuisance and was seconded by Randy Mackie.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman Randy Mackie				
Nick Kroes Chris Carter Ed Simmons Kirk Kolberg			Jon Rolewicz	

Motion carried.

EN-070219 – 935 S. Getty – Emma Blain, 754 Allen Ave., Muskegon, MI 49442

Ms Emma Blain was present to represent case.

Ms Blain said her idea is to have the business back up and running July 1, 2008. She said got a licensed person to start on outside and he told her he got a permit for inside this week. She said he is almost done with exterior and would like to get more time so she can completed by July 1, 2008. Randy Mackie asked if a interior inspections was completed. Don LaBrenz inspection took place but no permits have been pulled to his knowledge. Ms. Blain said she was told my contractor that he went

to Inspections this week to get a permit. Staff said contractor can't do any electrical or mechanical work but has to be done by licensed contractors. Chris Carter asked Ms. Blain if she had checked credentials of contractor which she responded no. Don LaBrenz checked records and no permits were issued. Chris Carter advised getting other bids and check for insurance and licenses.

Chris Carter made a motion to table case until June 2008 HBA meeting and was seconded by Randy Mackie.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman Randy Mackie			Jon Rolewicz	
Nick Kroes Chris Carter Ed Simmons Kirk Kolberg				

Motion carried.

PROPERTY MAINTENANCE APPEAL CASE

1594 Franklin St – Janet Bata/Daniel Lake, 7520 W. Porter Rd., Branch, MI 49402

No one was present to represent case.

Mark Kincaid said after talking with owner there was some confusion and in the time that the appeal was filed and now he feels things have been cleared up.

Staff Recommendation: Deny appeal

Motion was made by Randy Mackie and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman Randy Mackie			Jon Rolewicz	
Nick Kroes Chris Carter Ed Simmons Kirk Kolberg				

Motion carried.

DANGEREROUS BUILDING NEW CASES:

EN-070054 – 253 E. Isabella(Garage) – Theotis Tucker, 3360 Highland St., Muskegon, MI 49444

No one was present to represent case.

Mark Kincaid said we've been in contact with Mr. Tucker. He came in and got a permit last year and just extended it and says he'll be done by June 2008.

Staff Recommendation: Table case until June 2008 to allow owner time to complete repairs.

Motion was made by Randy Mackie and seconded by Chris Carter to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Nick Kroes			Jon Rolewicz	
Chris Carter				
Ed Simmons				
Kirk Kolberg				

EN-080065 – 143 W. Southern Ave. – Bad Boys Bond Agency of MI LLC, 990 Pine St. Muskegon, MI 49442

No one was present to represent case.

Staff Recommendation: Declare structure dangerous, substandard and a public nuisance.

Motion made by Randy Mackie and seconded by Ed Simmons to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				

Jon Rolewicz

Nick Kroes

Chris Carter
Ed Simmons
Kirk Kolberg

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT: 6:30 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773